



See

PATENT
Attorney Docket No.: GENE1110-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Berg et al.

Application No.: 09/344,735

Filed: June 25, 1999

For: SYNERGISM OF PHOTODYNAMIC
AND ELECTROPERMEATION
EFFECTS ON CELL VITALITY AS A
NOVEL CYTOTOXIC AGENT

) Group Art Unit: 3734

) Examiner: Not Assigned

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as
) enclosed herein are being deposited with the United
) States Postal Service as first class mail on this date
) **November 9, 1999**, in an envelope addressed to:
) Assistant Commissioner for Patents, Washington, D.C.
) 20231

) Elizabeth Peuz
) (Name of person mailing paper)

) Epuz 11/9/99
) Signature Date

Box Missing Parts
Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed July 20, 1999,
enclosed are:

1. A copy of the Notice to File Missing Parts of Application;
2. An executed Declaration for Patent Application;
3. A Power of Attorney by Assignee;
4. A Verified Statement (Declaration) Claiming Small Entity Status;
5. A Recordation Form Cover Sheet and executed Assignment; and
6. Petition for Extension of Time (2 months).

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Berg et al.
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PATENT
Attorney Docket No.: GENE1110-1

The filing fee has been calculated as shown below:

| | Number Filed | | Number Extra | | Rate | | Fee | |
|---|-----------------|---|-----------------|---|-----------------|-----------------|-----------------|-----------------|
| | | | | | Small Entity | Other Entity | Small Entity | Other Entity |
| Total Claims | 79-20 | = | 59 | X | \$09 | \$18 | = | \$531.00 \$.00 |
| Independent Claims | 3-3 | = | 0 | X | \$39 | \$78 | = | \$.00 \$.00 |
| Multiple Dependent Claims Presented: ___ Yes <u>X</u> No | | | | | \$130 | \$260 | | 0 0 |
| | | | | | BASIC FEE | | \$380.00 | \$760.00 |
| | | | | | TOTAL FEE | | \$911.00 | \$ |

X The Commissioner is hereby authorized to charge payment of the TOTAL FEE of \$1,206.00: \$911.00 filing fee, \$65.00 surcharge fee for missing parts of the application, \$40.00 recordation fee for one (1) assignment, and \$190.00 for two-month Extension of Time, or credit any overpayment to, Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,

Date: 11/9/99



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San Diego, California 92121-2189



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

09/344,735 06/25/99 WANG

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JUL 22 1999

GRAY CARY WARE & FREIDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO CA 92121-2189

GCWF/S.REITER NOT ASSIGNED

3734

DATE MAILED:

07/20/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 1752.00

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ 1062 for 59 total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

HARRISON T-G

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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ASHLE
11/17/1999
01-12-201
02-12-203
03-12-205
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531.00
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